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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,317	01/12/2006	Hiroyuki Kikkoji	277147US6PCT	7397

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
HUYNH, NAM TRUNG	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
05/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/564,317	KIKKOJI ET AL.	
	Examiner	Art Unit	
	NAM HUYNH	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,9,12 and 14-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9,12 and 14-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/13/10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment field on 1/29/10. Claims 1-5, 9, 12, and 14-18 have been amended and claims 19 and 20 have been added.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5, 9, 12, and 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 1, the claim is indefinite for several reasons. The first reason is where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "transmission means" in claim 1 is used by the claim to mean "receiving said available/unavailable information", while the accepted meaning is "to send out a signal." The term is indefinite because the specification does not clearly redefine the term.

The second reason claim 1 is indefinite is because it recites two different definitions for "available/unavailable request information". Available/unavailable request information is defined as 1) information showing whether or not an external device offers a service providing related information about contents and 2) the identity of a broadcast station that broadcast the received broadcast information.

The third reason claim 1 is indefinite is because there are two recitations of "if said detection means detects that said externally input user personal information is not stored in said storage medium" which are separated by commas from the rest of the claim. It can not be determined whether these recitations are conditional statements by themselves, if they apply to subject matter before the recitation, or if they apply to subject matter after the recitation.

Regarding related independent claims 9, 12, and 17, the limitations are rejected as applied to claim 1 for the second and third reasons.

Regarding claims 2-5, 14-16, and 18-20, the limitations are rejected based on their dependence of independent claims 1 and 9.

Accordingly, the claims will be examined with respect to prior art under the Examiner's best interpretation of the subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-5, 9, 12, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman et al. (US 2002/0174431) in view of AARNIO (US 2002/0174431).

Regarding claim 1, Bowman teaches a communication apparatus (mobile device or computer) comprising:

detection means for detecting whether or not user personal information has been stored in a storage medium (paragraph 25; DPS reviews user ID code validity);

transmission means for transmitting request information that requests related information about contents included in received broadcast information (song on the radio) (paragraph 24; user transmits bookmark), for transmitting available/unavailable request information that requests available/unavailable information showing whether or not an external device offers a service providing said related information about the contents, and receiving said information in a reply to said available/unavailable request information (paragraph 27, DPS responds with available information regarding song of interest indicated in bookmark); and

However, Bowman does not explicitly teach that the available/unavailable request information is transmitted if the transmission means detects that said user personal information is not detected by said detection means stored in said storage medium. AARNIO discloses an on-line subscription system and method. AARNIO teaches the request for registration of a user if user specific information is not previously stored (paragraph 23). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Bowman to include the capability to request registration when user personal information is not stored, as taught by AARNIO, in order to promote registration which benefits the user and subscription service provider because the user is able to access the service and the provider is able to profit from the registration.

The combination of Bowman and AARNIO does not explicitly teach that the user personal information is externally input and stored if the information is not stored in said storage medium. Liu discloses a method and system for downloading data to a portable electronic device. Liu teaches that that a user registers with a particular service by inputting personal information for registration when registration does not exist (information not stored) (paragraph 20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Bowman and AARNIO to include the capability to input and save registration information, as taught by Liu, in order to allow the user to access the service at a future time without having to repeat the registration process, thereby adding flexibility and convenience to the system.

Regarding claim 2, Bowman teaches said notification means for notifying whether or not said external device offers the service providing said related information about the contents, based on said available/unavailable information (paragraph 27).

Regarding claims 3 and 15, AARNIO teaches display means for displaying advertisement information to promote said user registration in accordance with said available/unavailable information (paragraphs 23, 25).

Regarding claim 4, AARNIO teaches a URL showing advertisement information to promote said user registration is included in said transmitted available/unavailable information (paragraph 23).

Regarding claims 5, 16, and 19, Bowman teaches said externally input user personal information includes at least name information corresponding to a name of said communication apparatus (paragraphs 24, 25).

Regarding claims 9, 12, and 17, the limitations are rejected as applied to claim 1.

Regarding claim 18, Liu teaches wherein the detection means stores said externally input user personal information in said storage medium (service management center) upon a reception of registration completion information from said external device in response to user registration (paragraph 32; figure 2).

Regarding claim 20, Bowman teaches the request information identifies the broadcast station (paragraph 27, DPS responds with available information regarding song of interest indicated in bookmark).

Response to Arguments

6. Applicant's arguments with respect to claims 1-5, 9, 12, and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Nam Huynh/
Examiner, Art Unit 2617